



# BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: # 14310-00000-00027

Date Received: 15 JAN. 2014

Commission/Civic: FRANKLINTON AC

Existing Zoning: \_\_\_\_\_ Application Accepted by: HF Fee: \$1900

Comments: \_\_\_\_\_

## TYPE(S) OF ACTION REQUESTED (Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

**We hereby request relief from 3312.31; 3312.43 and 3312.01A for the reasons stated in the statement of hardship.**

## LOCATION

1. Certified Address Number and Street Name 368 West Park Avenue

City Columbus State Ohio Zip 43223

Parcel Number (only one required) 010-034966

## APPLICANT: (IF DIFFERENT FROM OWNER)

Name Norman L Tracy c/o All Star LP

Address 5135 US Hwy 40 City/State West Jefferson Ohio Zip 43162

Phone # (614) 879-7880 Fax # (614) 879-7880 Email tenosce.tony@gmail.com

## PROPERTY OWNER(S):

Name All Star LP

Address 5135 US Hwy 40 City/State West Jefferson Ohio Zip 43162

Phone # (614) 879-7880 Fax # (614) 879-7880 Email tenosce.tony@gmail.com

☐ Check here if listing additional property owners on a separate page.

## ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney ☒ Statutory Agent

Name Norman L Tracy

Address 5135 US Hwy 40 City/State West Jefferson Ohio Zip 43162

Phone # (614) 879-7880 Fax # (614) 879-7880 Email: tenosce.tony@gmail.com

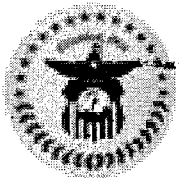
## SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Norman L Tracy

PROPERTY OWNER SIGNATURE All Star LP, By: Norman L Tracy

ATTORNEY / AGENT SIGNATURE Norman L Tracy

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
Please make all checks payable to the Columbus City Treasurer



14310-00027  
368 WEST PARK AVENUE

# CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

## One Stop Shop Zoning Report Date: Thu Jan 30 2014

General Zoning Inquiries: 614-645-8637

### SITE INFORMATION

**Address:** 368 WEST PARK AVE COLUMBUS, OH

**Mailing Address:** 5135 US HIGHWAY 40  
WEST JEFFERSON OH 43162

**Owner:** ALL STAR L P

**Parcel Number:** 010034966

### ZONING INFORMATION

**Zoning:** ORIG, Manufacturing, M  
effective 2/27/1928, Height District H-60

**Board of Zoning Adjustment (BZA):** N/A

**Commercial Overlay:** N/A

**Graphic Commission:** N/A

**Area Commission:** Franklinton Area Commission

**Planning Overlay:** N/A

**Historic District:** N/A

**Historic Site:** No

**Council Variance:** N/A

**Flood Zone:** IN

**Airport Overlay Environs:** N/A

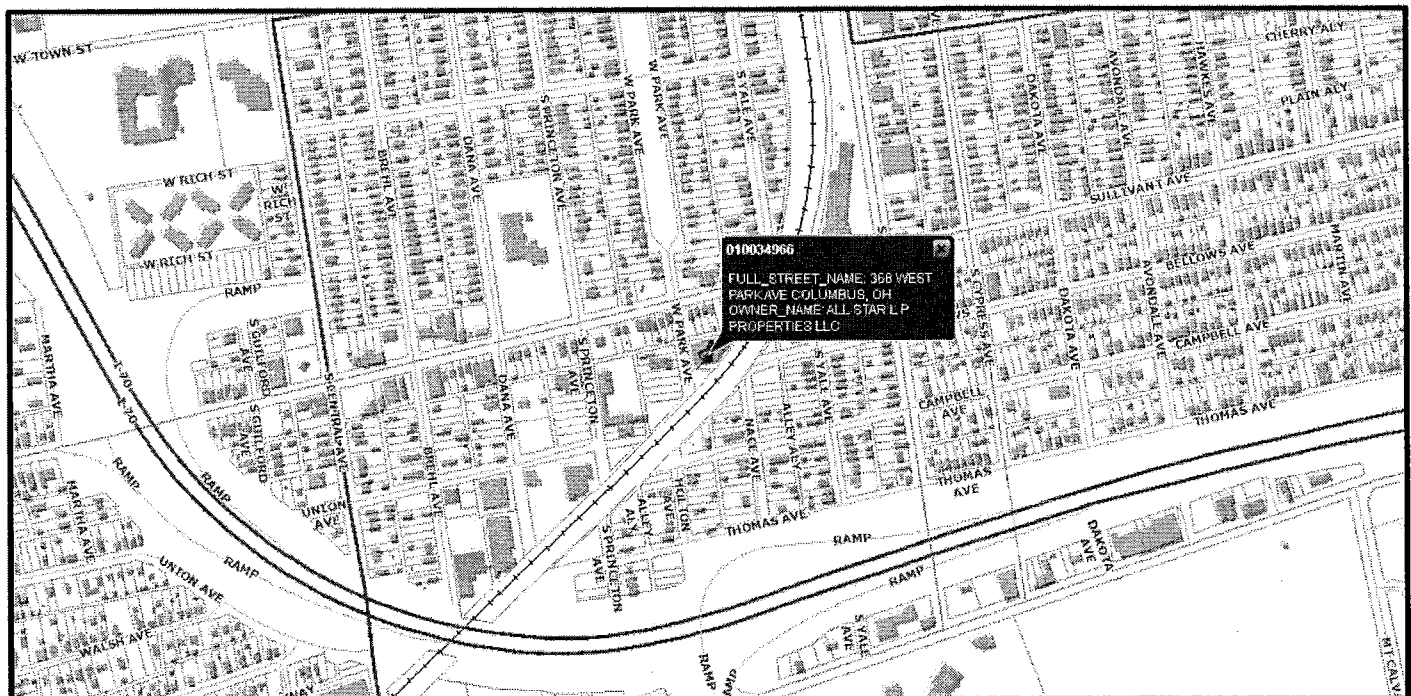
### PENDING ZONING ACTION

**Zoning:** N/A

**Board of Zoning Adjustment (BZA):** 13312-00228

**Council Variance:** N/A

**Graphic Commission:** N/A





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## AFFIDAVIT

14310-00027

368 WEST PARK AVENUE

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Norman L. Tracy

of (1) MAILING ADDRESS All Star LP; 5135 US Hwy 40; West Jefferson OH 43162

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at :

368 West Park Avenue; Columbus OH 43223

(2) per ADDRESS CARD FOR PROPERTY

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4)

All Star LP

AND MAILING ADDRESS

5135 US 40

West Jefferson OH 43162

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Norman L Tracy  
(614) 879-7880

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5)

Franklinton Area Commission  
% Ms. Judy Box, Chairperson  
192 N. Guilford Avenue  
Columbus OH 43222

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

Please see the attached.

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 14 day of January, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

DANIEL J. YORK

Notary Public, State of Ohio

My Comm. Expires July 17, 2017

Recorded in Franklin County

Notary Seal Here

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City of Columbus  
Mayor Michael B. Coleman

## Department of Development

Boyce Safford III, Director

757 Carolyn Avenue, Columbus, OH 43224

Date of Service/Posting 03-20-13

Order Number: 13470-01124

Parcel Number:

010034966

ALL STAR LIMITED PARTNERSHIP  
NORMAN L. TRACY, STATUTORY AGENT  
368 WEST PARK AVE.  
COLUMBUS OH 43223

**14310-00027**  
**368 WEST PARK AVENUE**

### ZONING CODE VIOLATION ORDER

An inspection has been made at 368 WEST PARK AVE on March 19, 2013.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within 20 calendar days of the service of this notice unless otherwise noted in this notice, or an approval for a written request for extension is granted by this office.

**Note: Failure to comply with this notice is a Misdemeanor of the Third Degree and may be punishable by a \$500 fine and sixty (60) days imprisonment.**

If the facts represented here are incorrect, or if you believe the law is not being interpreted properly, you have the basis for an appeal. If you believe an appeal is in order, call the undersigned Property Maintenance Inspector. Pursuant to the Columbus City Code Section 3307.07: The Board of Zoning Adjustment shall not entertain any appeal applied for more than twenty (20) days after the date of this order. Also pursuant to Columbus City Code Section 3307.11: Said appeal shall be submitted on a form provided for that purpose and filed in the office of the Department of Building and Zoning Services.

For further information on this notice contact the undersigned Code Enforcement Officer.

**SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)**

by Jeffrey T. Enghuff  
Jeffrey T. Enghuff  
Code Enforcement Officer  
(614) 645-3655

jtemhuff@columbus.gov

ZC-7

REV 09/09

03202013

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ITEM#	CODE SECTION
COMMENTS	

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**Zoning Violations**

- 1      **3312.37      Parking or keeping inoperable motor vehicle**
- PARKING OR KEEPING UNTAGGED OR OTHERWISE INOPERABLE MOTOR VEHICLES IS PROHIBITED. CEASE USE.
- 3312.37 - Parking or keeping inoperable motor vehicle.
- No person shall use any premises in any residential, apartment, or institutional use district, private or public parking district, or C-1, C-2, C-3 or C-4 commercial use district for the purpose of parking or keeping an inoperable motor vehicle except when ancillary to a specifically permitted use in a C-4 Commercial District. As used in this section, "keeping an inoperable motor vehicle" means and includes storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in an enclosed garage.
- For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist: one or more wheels are missing; one or more tires are missing; two or more tires are flat; one or more windows are missing or broken; the windshield is shattered or missing; parts necessary for the operation of the vehicle are missing; or a license with a distinctive number and valid for the current year is not displayed thereon.
- 2      **3312.43      Required surface for parking**
- PARKING ON GRASS, DIRT, GRAVEL OR OTHERWISE UNIMPROVED SURFACES IS PROHIBITED. CEASE USE.
- 3312.43 - Required surface for parking.
- The surface of any parking area; including but not limited to a parking, loading or stacking space; circulation area; aisle or driveway shall be designed to control storm water runoff and be improved with Portland cement, asphaltic concrete or other approved hard surface other than gravel or loose fill. Applicants are encouraged to consider use of permeable surfaces as a means of reducing storm water runoff. Applicants may also consider lighter color finishes for surface materials, which reflect solar energy and minimize heat islands. Hard surface materials other than concrete and asphalt may be permitted and are subject to additional review and prior approval by relevant departments and divisions. This section is intended to apply to any parking, loading, stacking or maneuvering area regardless of whether such area is required.
- Exception: The director may waive the hard surface requirement for a use located in a manufacturing district when the proposed parking space is located at least 400 feet from any residential district.

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**14310-00027**  
**368 WEST PARK AVENUE**

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**Zoning Violations**

**3            3305.01            Certificate of zoning clearance**

THIS PROPERTY LACKS THE PROPER CERTIFICATE OF ZONING CLEARANCE FOR ITS CHANGE OF USE AND OVERFLOW INTO THE PUBLIC RIGHT-OF-WAY.

CEASE USE/REMOVE UNTIL ZONING CLEARANCE CONDITIONS AND/OR IMPROVEMENTS FOR CLEARANCE APPROVAL ARE IN COMPLIANCE.

3305.01 - Certificate of zoning clearance.

A certificate of zoning clearance is required and shall be obtained from the Director prior to the construction or alteration of any building or structure; the establishment, change, or modification in the use of any building, structure or land; or the grading, excavating or filling of land.

Further, no person shall maintain or permit the continuation of any use unless and until a certificate of zoning clearance has first been issued for said use.

The Director will issue a certificate after determining that the application is in conformity with the provisions of this Zoning Code or as permitted by variance, special permit or decision from an appeal. The Director shall have the authority to determine what districts an unnamed use is of similar enough character and nature to warrant inclusion in.

**Zoning Violations - Graphics**

**4            3381.02            Certificate of zoning clearance**

THE GRAPHICS AT THIS PROPERTY LACK THE PROPER PERMITS OR ZONING CLEARANCE.

CEASE USE/REMOVE UNTIL ZONING CLEARANCE CONDITIONS AND/OR IMPROVEMENTS FOR CLEARANCE APPROVAL ARE IN COMPLIANCE.

3381.02 - Certificate of zoning clearance.

A. A certificate of zoning clearance shall be required for any public or private graphic for which an installation permit is required by this Graphics Code.

B. The face of an on-premises sign or an off-premises sign, other than a billboard, may be replaced or repainted without a certificate of zoning clearance provided there is no copy change. Modification of color, typeface or other design elements shall not be considered a change of copy.

C. The painting, repainting or cleaning of a billboard structure, or the changing of the advertising copy or message of a billboard shall not be considered work that requires a certificate of zoning clearance or installation permit.

D. The applicant for a certificate of zoning clearance shall submit the required information in the following manner:

1. A completed application shall be furnished along with a statement of compliance in a format to be provided by the director.

2. The applicant shall sign the statement of compliance, which shall indicate that the information provided on the format is true and correct to the best of his knowledge, and the graphic will be erected in accordance with the provisions of the Graphics and Building Codes and the information provided on the statement of compliance. Should the graphic not comply as set forth above, the applicant shall bring the graphic into compliance within five working days after receiving notification of noncompliance.

E. A certificate of zoning clearance shall include proof of approval in a format to be determined by the director. The sign erector or the owner shall display the proof of approval either directly on the subject sign so as to be visible from the ground or in an on-premises location accessible to the code enforcement



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### STATEMENT OF HARDSHIP

14310-00027

APPLICATION # \_\_\_\_\_

368 WEST PARK AVENUE

#### Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see the attached.

Signature of Applicant

*Tom L. Tracy*

Date

1/14/14

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368 West Park Avenue

Board of Zoning Adjustment Application

Statement Of Hardship

**14310-00027**

**368 WEST PARK AVENUE**

Application Number: \_\_\_\_\_

Answers to Facts And Conditions as outlined in the BZA Application STATEMENT OF HARDSHIP:

- 1) Almost all of the surrounding properties park either on gravel or unpaved parking areas. The closest storm sewer is about 250' away from the parking area. The cost to engineer the storm drainage, tap into the closest storm sewer, create a storm water retention area and then pave would exceed 2/3 of the property value without adding any substantial increase to the value of the property. We have estimates of about \$100,000 TO \$120,000 for this type project. The other problem unique to the property is the B&O railroad elevated roadway which channels the surface water onto 368 West Park.
- 2) The building's use has not changed in decades. The parking area has been a gravel area for decades and been used to store materials, heavy trucks, excavation machinery and vehicles. This area has also been used for parking throughout the lifetime of the building. This request is to allow the building's use to continue as it has for decades.
- 3) This request is to preserve the same rights as most of the surrounding properties. Many of these have been allowed to operate for several years and numerous owner and/or tenant changes without H/C parking, a dumpster enclosure and/or paved parking.
- 4) The granting of the variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the zoning code.

Other Considerations:

- 1) The current property owner (a former Columbus firefighter) has spent many thousands of dollars clearing (and disposing) the site of brush, trash and debris present when the site was purchased. Said property owner has also painted and maintained the building in a condition better than when purchased and better than many of the surrounding properties in the area. Said current property owner has also participated in many neighborhood clean up and anti-graffiti efforts in Franklinton. All of the above activities have improved the subject property as well as the surrounding properties.



- 2) The current tenant repairs vehicles for the wholesale trade. There are no retail sales at this property. As such, there is little to no public traffic to the site needing H/C parking. The business operates mostly during daylight hours and is a quiet neighbor. The current tenant does not advertise to drive traffic to the site. This tenant is a repair shop for vehicles then sent to the wholesale market.
- 3) The current tenant employs 12 people, about ½ of them Franklinton area residents, according to the latest information provided to the property owner. This payroll is approximately \$450,000 per year.
- 4) The property is backed up against the B&O railroad tracks that are elevated 20 feet higher than the entire neighborhood. This elevated railroad property provides a screen from the south and east. The area north and west of the site is zoned manufacturing.
- 5) The gravel area in question allows the rainwater from the B&O elevated roadway and the subject property to stay on the property, as opposed to adding to the storm water load. The property is useless without this parking area and paving the parking area would greatly increase the storm water coming from the site.
- 6) This variance request is to simply allow the property to be used as it has for decades. The current improvements and use is well within the current neighborhood standards.

**14310-00027**  
**368 WEST PARK AVENUE**

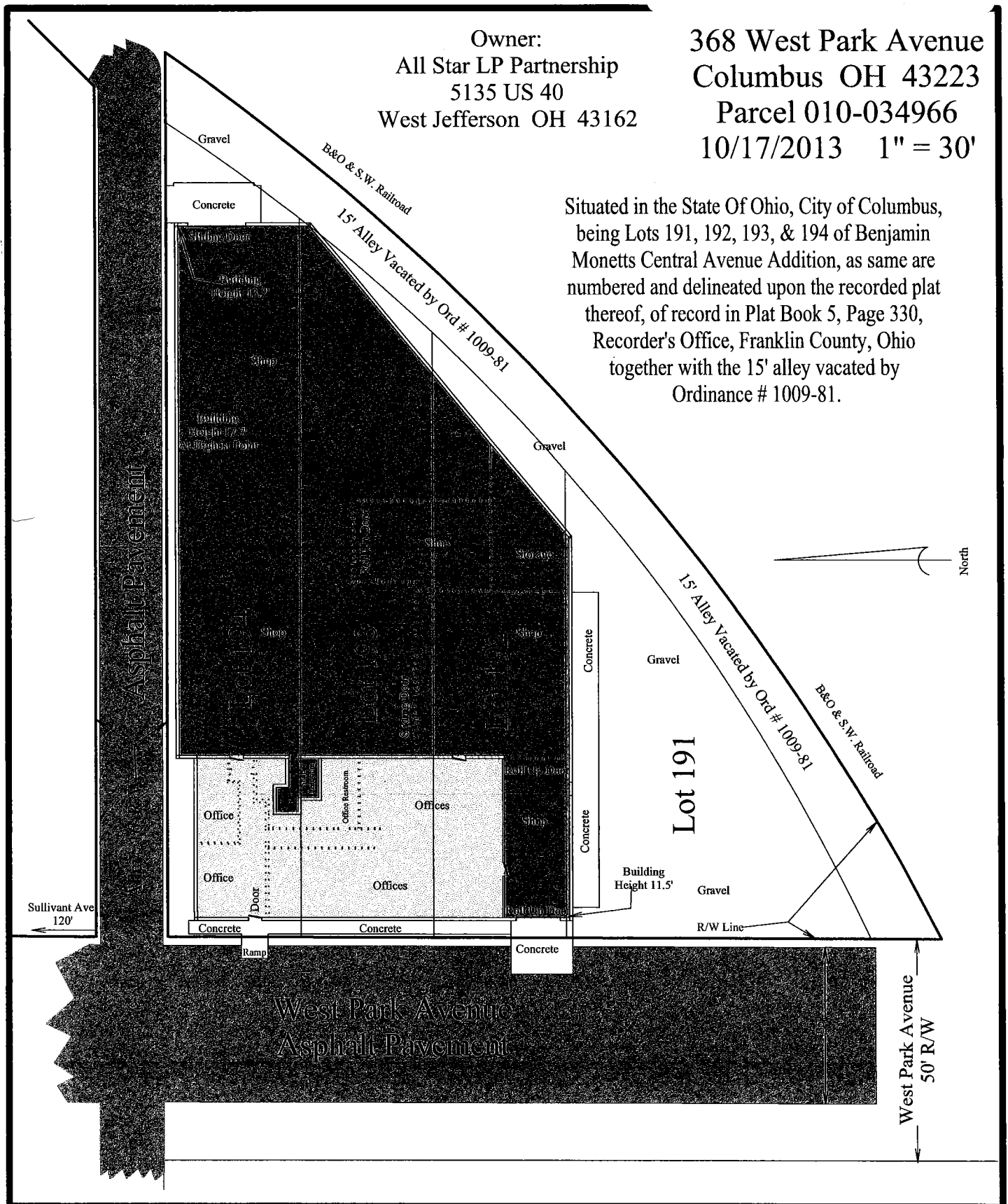


**14310-00027**  
**368 WEST PARK AVENUE**

Owner:  
All Star LP Partnership  
5135 US 40  
West Jefferson OH 43162

368 West Park Avenue  
Columbus OH 43223  
Parcel 010-034966  
10/17/2013 1" = 30'

Situated in the State Of Ohio, City of Columbus,  
being Lots 191, 192, 193, & 194 of Benjamin  
Monetts Central Avenue Addition, as same are  
numbered and delineated upon the recorded plat  
thereof, of record in Plat Book 5, Page 330,  
Recorder's Office, Franklin County, Ohio  
together with the 15' alley vacated by  
Ordinance # 1009-81.





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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION #

**14310-00027**

STATE OF OHIO

COUNTY OF FRANKLIN

**368 WEST PARK AVENUE**

Being first duly cautioned and sworn (NAME) Norman L Tracy

of (COMPLETE ADDRESS) All Star LP; 5135 US Hwy 40; West Jefferson OH 43162

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

All Star LP

5135 US Hwy 40; West Jefferson OH 43162

SIGNATURE OF AFFIANT

Norman L. Tracy

Subscribed to me in my presence and before me this 14 day of January, in the year 2014

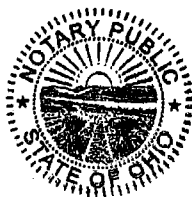
SIGNATURE OF NOTARY PUBLIC

[Signature]

My Commission Expires:

July 17 2017

Notary Seal Here



DANIEL J. YORK  
Notary Public, State of Ohio  
My Comm. Expires July 17, 2017  
Recorded in Franklin County

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